

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Nespoli	Team: Team # 3	CCRB Case #: 200500131	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/01/2005 12:55 AM	Location of Incident: § 87(2)(b)	Precinct: 110	18 Mo. SOL 7/1/2006	EO SOL 7/1/2006	
Date/Time CV Reported Mon, 01/03/2005 3:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/05/2005 11:29 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Won Chang	29627	928055	110 PCT
2. POF Gina Griffin	20506	930272	110 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Therese Gallagher	00972	922878	110 PCT
2. POM Shawn Hill	30797	926955	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Gina Griffin	Abuse: PO Gina Griffin stopped and questioned § 87(2)(b) and § 87(2)(b)	
B.POM Won Chang	Force: PO Won Chang used physical force against § 87(2)(b)	
C.POF Gina Griffin	Discourtesy: PO Gina Griffin spoke obscenely and rudely to § 87(2)(b)	

Synopsis

§ 87(2)(b) filed this complaint on behalf of his § 87(2)(b) -year-old son, § 87(2)(b) on January 5, 2005. § 87(2)(b) stated that he, his § 87(2)(b) year old cousin § 87(2)(b) his cousin § 87(2)(b) and § 87(2)(b) (ages unknown) were conversing in a stairwell at § 87(2)(b) in Queens while their parents attended a New Year's Eve party. While in the stairwell, the group was stopped and questioned by PO Gina Griffin and PO Won Chang (Allegation A). PO Griffin went upstairs to the New Year's Eve party to speak to the group's parents while PO Chang remained with the children. § 87(2)(b) alleged that PO Chang used physical force against him (Allegation B). § 87(2)(b) alleged that PO Gina Griffin stated to him, "Have a happy fucking New Year" (Allegation C).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) provided two statements regarding this incident. He provided his first statement when he filed this complaint to IAB on January 5, 2005 (Enc. 4). He provided his second statement when he was interviewed by the CCRB on May 9, 2005 (Enc. 10-10B). § 87(2)(g)

§ 87(2)(b) stated that on January 1, 2005 he and his family attended a New Year's Eve party at § 87(2)(b). § 87(2)(b) stated that he was "tipsy" during the incident. § 87(2)(b) stated that approximately ten adults were in the apartment drinking to celebrate New Year's and approximately seven children were playing on the third floor landing when a white female officer, with blonde hair and in uniform, PO1, came to the apartment door. § 87(2)(b) was unsure if PO1 was alone or if another officer was present. PO1 instructed the adults to turn the music down. At that point, § 87(2)(b)'s youngest son, § 87(2)(b) ran up to the apartment and informed § 87(2)(b) that his son § 87(2)(b) was being arrested. § 87(2)(b) and his wife § 87(2)(b) went to the third floor. Upon arrival § 87(2)(b) observed an Asian male officer, PO2, handcuffing § 87(2)(b) against the wall. § 87(2)(b) asked PO2 what his son had done and in response PO2 informed § 87(2)(b) that his son had resisted arrest. § 87(2)(b) asked PO2 to release his son but PO2 responded by stating, "No, he's going in." PO2 took § 87(2)(b) outside of the building and § 87(2)(b) and his wife followed. Ten to fifteen additional officers arrived but did not get involved in the incident. While outside, § 87(2)(b) called IAB and filed a complaint. At some point after that, PO1 stated to § 87(2)(b) "Have a happy fucking New Year" and § 87(2)(b) responded by stating to PO1 "fuck you." § 87(2)(b) was transported to the 110th Precinct and § 87(2)(b) and his wife followed. § 87(2)(b) did not enter the precinct as he was calling a lawyer from his cell phone while standing outside of the precinct. § 87(2)(b) was released from the precinct three hours later with no charges.

§ 87(2)(b) stated that § 87(2)(b) informed him after the incident that the officers approached him and the group of juveniles in the stairwell and asked them to stand by a wall but that he refused. PO2 then grabbed § 87(2)(b) by the shirt and slammed him into the floor and the wall.

§ 87(2)(b) provided photographs taken of § 87(2)(b) injuries on January 1, 2005 (Enc. 11-11A). The photographs show a red scratch and bruise on § 87(2)(b) forehead and what appear to be fingernail scratches on his neck. § 87(2)(b) assumed that the injuries on § 87(2)(b) neck were incurred when PO2 grabbed § 87(2)(b) by the T-shirt. § 87(2)(b) stated that § 87(2)(b) was not taken to the hospital. EMS saw him at the 110th Precinct.

Results of Investigation

§ 87(2)(b) a § 87(2)(b) -year-old Hispanic male, was interviewed by the CCRB on January 10, 2005 (Enc. 7-7B). § 87(2)(b) stated that at approximately 12:55 a.m. on January 1, 2005 he was in the stairwell of § 87(2)(b) in Queens. § 87(2)(b) was conversing on the third floor stairwell with his

cousins § 87(2)(b) (last name unknown), § 87(2)(b) and § 87(2)(b) as their parents attended a New Year's Eve party in an apartment on the fourth floor of the building. While in the stairwell a uniformed male and a uniformed female approached the group. § 87(2)(b) described these officers as PO1, Asian male, 6', dark hair, identified by name by § 87(2)(b) as PO Ching, and his partner, PO2 described as a white female, 5'9", average build with blonde hair and blue eyes. PO2 asked § 87(2)(b) cousins, but not § 87(2)(b) to put their drinks down and stand against the wall, which they all complied except for § 87(2)(b) who sat down on the ground. PO2 went upstairs to the fourth floor apartment to speak to the groups' parents. PO1 stated to § 87(2)(b) "Sir could you please stand up." § 87(2)(b) replied to PO1 by stating, "Why, I'm not going anywhere, I'm not a criminal. I'm not running." PO1 grabbed § 87(2)(b) T-shirt and pulled him up off of the ground and slammed his back into the wall. PO1 wrapped his right hand around § 87(2)(b) neck and began to choke him. § 87(2)(b) was questioned in regards to the choking action allegedly used by PO Chang, however he refused to clarify if his airway was restricted. PO1 released his grasp from § 87(2)(b) neck and grabbed § 87(2)(b) right arm and twisted it behind his back. § 87(2)(b) grabbed PO1's hand, which he was using to twist § 87(2)(b) left arm. PO1 instructed § 87(2)(b) to release his hand but in response § 87(2)(b) instructed PO1 to release his arm because he was hurting him. § 87(2)(b) stated that PO1 became angry with him and slammed him onto the floor. When PO1 threw § 87(2)(b) to the floor, his head struck the floor above his eye. § 87(2)(b) said that he incurred a bump on the right side of his head and had scratches on his forehead. PO1 positioned his shin onto § 87(2)(b) neck. § 87(2)(b) stated that he was not resisting arrest. During the incident, § 87(2)(b) cousins remained against the wall of the stairwell and yelled to PO1 to get off of him.

At this point § 87(2)(b) family came into the stairwell followed by PO2. § 87(2)(b) father, § 87(2)(b) instructed PO1 to get off of § 87(2)(b) PO1 escorted § 87(2)(b) out of the building. Once outside, at least six additional officers were present. § 87(2)(b) stated that a white uniformed female officer, PO3, described by § 87(2)(b) as 5'2-5'3", chubby, with glasses and short dark hair stated to § 87(2)(b) "Have a nice fucking New Year." § 87(2)(b) returned the comment to PO3.

§ 87(2)(b) was placed into the right rear passenger seat of a police vehicle and was driven to the 110th Precinct. § 87(2)(b) was taken to a juvenile room where he was handcuffed to a bench for approximately an hour. § 87(2)(b) stated that PO1 asked him if he wanted an ambulance to look at his wrist but that he refused. Shortly thereafter, § 87(2)(b) stated to PO1 that his head hurt and PO1 requested an ambulance to the precinct. EMS responded and provided an icepack to § 87(2)(b) for his head. § 87(2)(b) mother, § 87(2)(b) and her cousin § 87(2)(b) picked § 87(2)(b) up at the precinct. § 87(2)(b) stated that PO1 informed § 87(2)(b) that § 87(2)(b) might have tried to grab his gun during the incident. § 87(2)(b) was taken to the hospital the next day.

Witness Statements

§ 87(2)(b) is a § 87(2)(b)-year old Hispanic female and the mother of the victim, § 87(2)(b) was interviewed by the CCRB on January 10, 2005 (Enc. 6-6C) § 87(2)(b) stated that on January 1, 2005 she was on the fourth floor of § 87(2)(b) attending a New Year's party while § 87(2)(b) and his cousins played on the third floor. § 87(2)(b) stated that during the party a white female officer, PO1, came to the fourth floor apartment and instructed the party attendees to turn the music down. Soon afterward one of § 87(2)(b)'s nephews came upstairs crying and told the parents that police had arrived and that an officer had taken § 87(2)(b) by his shirt, had slammed him against the door, and was choking him.

§ 87(2)(b) and her husband, § 87(2)(b) subsequently went down to the third floor, at which time she observed § 87(2)(b) hands handcuffed behind his back as he was positioned on his stomach on the ground. An Asian male officer, PO2, identified by name and shield as PO Chang, was on top of § 87(2)(b) and had placed his boot on § 87(2)(b) neck. § 87(2)(b) and § 87(2)(b) told PO2 to release their son but PO2 ignored them. § 87(2)(b) told PO2 several times to release § 87(2)(b) before PO2 released him and brought him off the ground and escorted him outside. There were approximately seven additional officers in uniform outside of the building. The officers then told § 87(2)(b) that § 87(2)(b) could not

accompany her to the precinct but that only she could go to the precinct. § 87(2)(b) explained to the officers that she did not speak English and that § 87(2)(b) would also need to go to the precinct with her. § 87(2)(b) stated that while they were outside, § 87(2)(b) called for EMS and informed the officers that EMS was on its way and that they needed to wait but the officers did not do so. EMS responded to the scene, after § 87(2)(b) had been taken away and § 87(2)(b) instructed them to go to the precinct. Ultimately § 87(2)(b) had one of her relatives, who is fluent in English, accompany her to the precinct to serve as a translator.

At the precinct, officers took § 87(2)(b) pictures and EMS did a check-up on § 87(2)(b) § 87(2)(b) asked for a medical report, but EMS only provided her with an ambulance call report. PO2 informed § 87(2)(b) s relative that § 87(2)(b) had attempted to take his gun during the incident. § 87(2)(b) remained at the precinct for approximately twenty minutes and was then released.

§ 87(2)(b) stated that § 87(2)(b) incurred injuries on the front side of his forehead, where he had a red and blue bruise, and on his neck, where he had a red mark. The CCRB spoke to § 87(2)(b) by phone on May 16, 2005 at which time she stated that these photographs were taken on January 1, 2005.

§ 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old Hispanic male, cousin to § 87(2)(b) and a witness to this incident. § 87(2)(b) was interviewed by the CCRB on January 10, 2005 (Enc. 8-8B) § 87(2)(g) § 87(2)(b) reiterated that § 87(2)(b) did not comply with the initial request by the officers to stand by the wall explaining that § 87(2)(b) was not directly instructed to do so. § 87(2)(b) stated that the male Asian officer grabbed § 87(2)(b) by his T-Shirt, slammed him into a wall, slammed him to the ground and placed his foot upon § 87(2)(b) neck. § 87(2)(b) accurately described § 87(2)(b) injuries.

§ 87(2)(b)

§ 87(2)(b) § 87(2)(b) brother, was interviewed by the CCRB on January 10, 2005 (Enc. 9-9B). § 87(2)(b) stated that on January 1, 2005 he was in his cousin's room on the fourth floor of the apartment building when he heard a commotion downstairs. § 87(2)(b) stated that he went downstairs to see what the commotion was about. He went to a hallway where he observed a tall, Chinese officer, in uniform, with black hair, PO1, and a uniformed white female officer, with blonde hair, PO2. § 87(2)(b) stated that when he arrived at the scene he observed § 87(2)(b) lying on the ground and PO1's knee was on § 87(2)(b) neck and he was pushing § 87(2)(b) head into the ground causing his head to hit the floor. § 87(2)(b) stated that he observed PO1 pulling § 87(2)(b) arm behind his back and up towards him. § 87(2)(b) stated that as § 87(2)(b) was leaving the scene he observed a cut on his head and scratches on his neck as a result of the incident.

Attempts to locate civilian witnesses

§ 87(2)(b)

§ 87(2)(b) is the brother of § 87(2)(b) § 87(2)(b) informed the CCRB that the § 87(2)(b) family has recently moved from New York to Pennsylvania. Neither § 87(2)(b) nor § 87(2)(b) provided the § 87(2)(b) contact information. No further information is available at this time.

Officer Statements

PO Gina Griffin and PO Won Chang

PO Won Chang provided four statements regarding this incident. He provided his first statement in his memo book entry for this incident (Enc. 12-12B). He provided his second statement in the Juvenile report written for § 87(2)(b) on January 1, 2005 (Enc. 25). He provided his third statement regarding this incident in the Medical Treatment of Prisoner form for § 87(2)(b) on January 1, 2005 (Enc. 24). He

provided his fourth statement when he was interviewed by the CCRB (Enc. 13-13A). § 87(2)(g)

PO Gina Griffin provided two statements regarding this incident. She provided her first statement in her memo book entry for January 1, 2005 (Enc. 14-14B). She provided her second statement regarding this incident during her CCRB interview on February 23, 2005 (Enc. 15-15A). § 87(2)(g)

On January 1, 2005 PO Chang and PO Griffin were assigned to the Impact special operations patrol, both were in uniform and were assigned to marked police vehicle number 2383. Since the incident occurred on a holiday, the Impact special operations unit responds to calls to assist the assigned sector.

On January 1, 2005 the officers arrived to § 87(2)(b) prior to the assigned sector. PO Griffin stated that upon arrival, the male complainant accompanied the officers into his apartment building next to the incident location and informed them that a group of juveniles were throwing rocks out of a window and showed the officers the window. PO Chang stated that according to the fly page of his memo book, the complainant was § 87(2)(b), who lives at § 87(2)(b). § 87(2)(b) advised the officers of the situation. PO Griffin stated that she and PO Chang walked next door to § 87(2)(b) identified themselves as police officers over an apartment intercom, and were buzzed into the building. The officers entered the lobby, however were unable to see the group of juveniles from inside of the lobby. PO Griffin and PO Chang proceeded up the stairwell of the building. PO Griffin stated that they came across four juveniles on the second floor landing, however PO Chang indicated that there were five to seven juvenile males in the third floor landing ranging in age from ten to seventeen years old. PO Griffin stated that one of the juveniles was leaning out of the window but that the juveniles did not have rocks with them. PO Griffin explained to the group of juveniles that someone called 911 and complained about them throwing objects from windows of the building. PO Griffin asked the group of juveniles for identification, however being juveniles they were unable to provide identification but provided their names to her. PO Griffin asked the juveniles if they lived in the building and one of them informed her that he lived in the building and gave her the number of the apartment where his parents could be located. After five to ten minutes of questioning the group of juveniles, PO Griffin asked the group to stand by the wall, and they complied. PO Griffin went upstairs to the apartment number she was provided to speak with the group's parents. As PO Griffin went up the second set of stairs leading to the fourth floor, she observed empty alcohol bottles strewn about in the hallway and heard loud music. PO Griffin located the apartment and knocked on the door. The door opened and PO Griffin observed a large number of people in the apartment drinking alcohol. PO Griffin asked the person at the door to speak with parents of the individuals she encountered. The door closed and opened and two individuals came to the door and identified themselves as parents. PO Griffin asked them to step outside. The individual that identified herself as a mother of one of the boys began screaming and yelling. A number of people came out of the apartment. PO Griffin went back downstairs accompanied by the two parents and the crowd of people.

PO Chang stated that while PO Griffin was upstairs, one of the juveniles in the group described as a Hispanic male, with short dark hair approximately 5'2", identified as § 87(2)(b) attempted to leave. To prevent § 87(2)(b) from fleeing the scene, PO Chang placed his left hand on the middle of § 87(2)(b) chest. § 87(2)(b) grabbed PO Chang's left wrist and applied pressure though he did not injure PO Chang. PO Chang stated that his strong hand and the hand he uses to fire his weapon is his left hand. PO Chang stated to § 87(2)(b) "You don't touch a law enforcement body, let go please." § 87(2)(b) responded by stating, "What the fuck, just let me go home, why are you stopping me." This continued 3-4 times between PO Chang and § 87(2)(b). PO Chang grabbed § 87(2)(b) right hand gently with his right hand. § 87(2)(b) then grabbed PO Chang's right hand. At this point § 87(2)(b) had a hold of both of PO Chang's hands. § 87(2)(b) did not inform PO Chang that he was hurting him. PO Chang again instructed § 87(2)(b) to release him, however he did not comply. PO Chang stated that at no point did § 87(2)(b) attempt to grab his gun. PO Chang attempted to effect an arrest but § 87(2)(b) resisted. In the course of handcuffing § 87(2)(b) PO Chang and § 87(2)(b) struck a wall. PO Chang stated that he did grab hold of § 87(2)(b) shirt in the course of arresting him but at no point placed his hands on § 87(2)(b) neck. PO Chang eventually positioned § 87(2)(b) face down on the ground while handcuffing him. PO Chang could not recall if § 87(2)(b) head hit the ground during the struggle. PO

Chang stated that § 87(2)(b) refused to be handcuffed and resisted arrest. PO Chang explained to § 87(2)(b) that he was being arrested because he had physically grabbed onto him and § 87(2)(b) cursed at PO Chang in response. While PO Chang was handcuffing § 87(2)(b) one of the juveniles in the hallway ran to the fourth floor and informed § 87(2)(b) parents that § 87(2)(b) was under arrest. PO Chang recalled this juvenile as having previously been inside of the 110th Precinct for robbery charges.

PO Chang stated that approximately ten to twenty adults from the upstairs party came into the hallway with PO Griffin. § 87(2)(b) stated to PO Chang, “What the fuck is going on? This is my kid.” § 87(2)(b) was also present and was crying. PO Chang informed § 87(2)(b) and § 87(2)(b) that everything would be okay. § 87(2)(b) pushed PO Chang approximately three times, but did not injure PO Chang. PO Chang stated that at no point was any part of his leg on § 87(2)(b) neck while he was on the ground. PO Griffin informed PO Chang that she was going to call for back up and left the hallway, despite PO Chang calling after her for assistance. PO Griffin called for back up outside and returned to the hallway with back up officers two to three minutes later.

PO Griffin stated that she returned to the scene from upstairs accompanied by two parents and a crowd of people. Upon returning to the scene, PO Griffin observed PO Chang in the process of handcuffing § 87(2)(b). PO Griffin stated that the landing area is very small and that it was necessary to get § 87(2)(b) and themselves out of the area for safety reasons. PO Griffin stated that she attempted to call for back up inside of the hallway however her radio was not working properly. PO Griffin descended to the lobby of the apartment building, followed by PO Chang and the crowd. PO Griffin arrived at the lobby first and observed the original sector assigned to the call entering the building.

The officers escorted § 87(2)(b) out of the building followed by § 87(2)(b) and § 87(2)(b) and the crowd from the apartment. § 87(2)(b) continued asking PO Chang, “What the fuck is going on? This is my son.” At this point, PO Griffin observed a small laceration to § 87(2)(b) forehead. The cut was not bleeding but had dry blood covering the laceration. PO Griffin did not know how § 87(2)(b) sustained this injury. Neither PO Griffin nor PO Chang were able to recall the names of the officers that responded to the scene. The backup officers did not interact with anyone in the building. § 87(2)(b) and § 87(2)(b) demanded to speak to a sergeant, and spoke to the supervising sergeant on the scene, Sgt. Gallagher. According to PO Chang and PO Griffin, PO Griffin and Sgt. Gallagher were the only females on the scene. PO Chang did not observe PO Griffin or Sgt. Gallagher state to § 87(2)(b) “Have a happy fucking New Year.” PO Griffin stated that she did not curse at § 87(2)(b). PO Griffin stated that § 87(2)(b) was intoxicated and yelled at Sgt. Gallagher, however Sgt. Gallagher did not yell back at him.

PO Griffin stated that § 87(2)(b) did not complain of breathing problems or pain. PO Griffin stated that EMS was rerouted to the precinct, however PO Chang stated that he requested EMS to the precinct to attend to § 87(2)(b) injuries. PO Chang prepared a juvenile report for § 87(2)(b) § 87(2)(b) remained in the stationhouse for a half an hour and was picked up by § 87(2)(b) and § 87(2)(b). PO Chang stated that he was asked for his name and shield number at the scene and at the stationhouse by § 87(2)(b) and § 87(2)(b) and that he verbally provided it to them each time.

Sgt. Therese Gallagher and PO Shawn Hill

Sgt. Therese Gallagher was interviewed by the CCRB on March 9, 2005 (Enc. 17-17A). PO Shawn Hill was interviewed by the CCRB on April 19, 2005 (Enc. 19-19A). PO Hill and Sgt. Gallagher were on duty and in uniform at the time of the incident. Sgt. Gallagher was assigned as the Impact sergeant, and PO Hill assigned as her operator on January 1, 2005. § 87(2)(g)

Sgt. Gallagher and PO Hill responded to a request for additional assistance at the incident location where two officers, PO Chang and PO Griffin had previously responded to a complaint of children throwing rocks out of a window and onto cars. Upon arrival at the scene, Sgt. Gallagher and PO Hill observed PO Chang, PO Griffin, a juvenile male Hispanic in handcuffs, and a large crowd gathered in front of the building. The officers exited the police vehicle. PO Hill remained beside the police vehicle as Sgt. Gallagher questioned PO Chang about the incident. PO Chang explained to Sgt. Gallagher that he arrested the juvenile, § 87(2)(b).

§ 87(2)(b) for § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3. Sgt. Gallagher stated that during the incident § 87(2)(b) yelled at PO Chang and PO Griffin in Spanish.

During the incident, Sgt. Gallagher spoke to § 87(2)(b) mother, § 87(2)(b) through a civilian interpreter because § 87(2)(b) only speaks Spanish. Sgt. Gallagher explained to § 87(2)(b) that her son was being taken to the stationhouse and that after they completed paperwork for his arrest he would be released and she could pick him up. Sgt. Gallagher stated that § 87(2)(b) was hysterical during the incident and that though § 87(2)(b) father, § 87(2)(b) was on the scene, she mainly dealt with § 87(2)(b). PO Hill recalled Sgt. Gallagher speaking to § 87(2)(b) and § 87(2)(b) during the incident. PO Hill stated that this conversation occurred on the sidewalk in front of the building, and that because he was standing by the police vehicle was unable to overhear it. PO Hill stated that Sgt. Gallagher remained calm during the conversation with § 87(2)(b) and § 87(2)(b) however § 87(2)(b) flailed his arms as he spoke to Sgt. Gallagher.

At the stationhouse, PO Chang informed Sgt. Gallagher that he had stopped a group of juveniles from throwing rocks. While questioning the juveniles, § 87(2)(b) attempted to leave the scene and that when he tried to prevent him from leaving, § 87(2)(b) grabbed his shooting arm. Sgt. Gallagher stated that from what PO Chang explained to her, there appeared to have been pushing back and forth between PO Chang and § 87(2)(b) and that § 87(2)(b) continued pushing PO Chang who then effected his arrest. Sgt. Gallagher stated that she did not speak to PO Griffin in regards to the incident. Sgt. Gallagher stated that she did not hear any officer present state to § 87(2)(b) "Have a happy fucking New Year" or use profanity towards him. Sgt. Gallagher stated that she observed a bump on the § 87(2)(b) head, however PO Hill stated he was 25-30 feet away from § 87(2)(b) and was unable to observe any injuries.

Police Documents

Sprint job number § 87(2)(b) (Enc. 20-20A)

Sprint job number § 87(2)(b) indicates that on January 1, 2005 at 12:49 a.m. a unit from the 110th Precinct made a request over the radio for additional units to respond to the incident location for a non-emotionally disturbed person. Sector G along with a sergeant from the 110th Precinct responded to the location.

Sprint job number § 87(2)(b) (Enc. 21-21A)

Sprint job number § 87(2)(b) indicates that § 87(2)(b) called 911 on January 1, 2005 at 12:58 p.m. stating the police officers assaulted his son.

110th Pct. Roll call (Enc. 22-22F)

The 110th Pct. roll call for December 31, 2004 contains the names of PO Hill and Sgt. Gallagher. PO Chang and PO Griffin's names do not appear on this roll call.

Command Log (Enc. 23-23I)

The command log for January 1, 2005 indicates that at 12:50 a.m. PO Chang arrested § 87(2)(b) at § 87(2)(b) and charges are listed as § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3. Ambulance call report number is listed as § 87(2)(b). The command log indicates that § 87(2)(b) was released to his mother at 1:40 a.m.

Medical Treatment of Prisoner form (Enc. 24)

The Medical Treatment of Prisoner form indicates PO Chang was § 87(2)(b) arresting officer and that § 87(2)(b) required medical attention however he refused. The remarks section of the form states, "@ TPO prisoner did sustain minor scratch and bruise on temple, his right side." § 87(2)(b)'s signature appears on this form.

Juvenile Report (Enc. 25)

The Juvenile Report for § 87(2)(b) indicates PO Chang as his arresting officer. The remarks section of this report states, § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3. PO Chang's signature, command code and shield numbers appear on this form.

§ 87(2)(b)

Civilian CCRB history (Enc. 3)

§ 87(2)(b)

Officer CCRB history (Enc. 1-2)

Neither PO Griffin nor PO Chang have prior substantiated CCRB histories.

Conclusions and Recommendations

Undisputed facts

It is undisputed that PO Griffin stopped and questioned § 87(2)(b) and § 87(2)(b) on January 1, 2005. It is undisputed that PO Chang used physical force against § 87(2)(b).

Disputed facts

It is disputed that PO Gina Griffin used profanity towards § 87(2)(b). The extent of force used in this incident is in dispute.

Credibility

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(b) and § 87(2)(b)
§ 87(2)(g)
[REDACTED]

§ 87(2)(b) and § 87(2)(b)
§ 87(2)(g)
[REDACTED]

Officer credibility

§ 87(2)(g)
[REDACTED]

Allegations not plead

§ 87(2)(b) alleged that PO Chang “choked” him during the incident, however upon attempting to clarify this allegation he became evasive and refused to answer pertinent questions to determine if his airway was restricted. § 87(2)(g)
[REDACTED]

Allegation A: PO Gina Griffin stopped and questioned § 87(2)(b) and
§ 87(2)(b)

§ 87(2)(b) alleged that he and his cousins were stopped and questioned by PO Griffin on January 1, 2005. PO Griffin is the sole subject officer for this allegation since she admitted that she initiated this stop. It is undisputed that PO Griffin stopped them. Both PO Griffin and PO Chang indicated that they arrived at

the incident location to address a hazardous condition as reported by a 911 caller. The officers located § 87(2)(b) and his cousins in the exact location provided by the 911 caller. § 87(2)(g)

Allegation B: PO Won Chang used physical force against § 87(2)(b)

§ 87(2)(b) explained that upon being stopped by PO Griffin, he remained seated and refused to comply with PO Chang's polite request to stand up. § 87(2)(b) further alleged that PO Chang picked him up by his T-shirt, slammed him into a wall, choked him and slammed him to the ground. PO Chang did not deny using physical force against § 87(2)(b) however stated that the force used was in response to the force used by § 87(2)(b) against him. PO Chang stated that he prevented § 87(2)(b) from leaving the scene by placing his hand on § 87(2)(b) chest and in response § 87(2)(b) grabbed his wrist. PO Chang attempted to release himself from § 87(2)(b) grasp and requested that § 87(2)(b) release him, however § 87(2)(b) did not comply. § 87(2)(b) grabbed onto PO Chang's other wrist in response. PO Chang attempted to place § 87(2)(b) under arrest. During the struggle to restrain § 87(2)(b) PO Chang and § 87(2)(b) struck a wall. PO Chang then placed § 87(2)(b) on the ground and handcuffed him.

§ 87(2)(g)

Allegation C: PO Gina Griffin spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(b) alleged that on January 1, 2005, PO Griffin stated to him "Have a happy fucking New Year." PO Griffin denies this allegation. PO Hill, PO Griffin and PO Chang all indicated that they observed Sgt. Gallagher speaking to § 87(2)(b) however Sgt. Gallagher denies this. Sgt. Gallagher stated that she only spoke with § 87(2)(b) during the incident and not § 87(2)(b) even though he was present. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: